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The Africa Policy of ‚normative‘ power EU considering Cotonou Agreement and promotion of EPAs

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1. INTRODUCTION

Economic relations between the EU and ACP countries have a long tradition. After Yaoundé conventions in the 1960s, 1975 the first Lomé Agreement was established between ACP countries and EC member states. Between 1975 and 2000 EU and ACP countries ran four subsequent Lomé conventions replaced by Cotonou agreement now. Lomé was concerned to be an agreement providing ACP countries better access to European markets in order to push economic development and build up domestic production. The emergence of WTO in 1995 changed the regulatory framework for regional trade agreements in such a way, that Lomé IV could not pass into a fifth version. In order to be compliant with WTO measures, a new agreement was worked out 2000 in Cotonou. It came into power in 2002.

The complete establishment of that treaty it is still far from becoming reality, as a considerable number of ACP countries have still not negotiated EPAs. A crucial issue in these negotiations is the division of ACP countries in six groups for regional EPAs. This division does not merge with other regional trade and political networks in Sub-Saharan Africa and does not include all ACP countries.

With ‘good governance’ having emerged as a ‘vital’ issue in international politics and especially in EU’s agenda, a relevant number of non-economic issues found their way into Cotonou agreement. By linking trade agreements and development aid with the spread of European or Western democracy ‘standards’ those different fields were brought into contact. The major question of the following research shall be, whether EU trade policy towards ACP countries is supposed to be an instrument serving the diffusion of human rights and democracy or rather a ‘smoke screen’ for a hidden economic agenda.

This research will work with different approaches rooted in political science following the basic assumption EU-ACP cooperation has always been a political relationship¹. In the following theoretical chapter (neo-)realist interpretation will be put in contrast to Ian Manners’ ‘normative’ power approach using Lisbeth Aggestam’s framework of role model theory. Further on, the research chapter will discuss characteristic matters of EU-ACP relations and put into focus chances and perils of conditional economic cooperation and development aid.

¹ cp. Hurt, Stephen R.: *Co-operation and coercion?* 2003, p. 161-176.



2. THEORETICAL FRAMEWORK

2.1. ROLE MODEL THEORY

The question, whether EU is ‘*a political actor*’ in its foreign policy has been widely discussed by scholars. The following research paper will take up Aggestam’s² proposal in order to structure the theoretical assessments. Aggestam takes up a pattern rooted in theatre studies and sociology³, known as role theory. Quoting Le Prestre she defines a role reflecting “a claim on the international system, a recognition by international actors, and a conception of identity”⁴.

As “there does not exist a single general role theory”⁵ this approach will only give a framework for how “EU’s international action” could be categorized, assuming that EU might be seen as an actor. Going along with Kalevi Holsti, who elaborated role theory for foreign policy in the 1970s and 1980s, Aggestam sees a dynamic interaction between those filling out such a role and the structure in which they are acting. Roles are therefore not constituted by political actors independently, but rely on other actors as well. According to Holsti, a role is firstly “a product of a nation’s socialization process and influenced by its history, culture and societal characteristics”⁶, as “foreign policy-makers [...] are neither completely free choosing agents, nor is their behaviour entirely determined by external structures”⁷.

For better illustrating and facilitate empirical use of role theory in foreign policy analysis, Aggestam proposes a threefold analytical scheme, consisting of “institutional, interactional and intensional”⁸ perspectives. She points out that “structures are upheld by ongoing processes of structuration”⁹, hence such perspectives should not be regarded as non-dynamic categories set once. That is basically why it is not sufficient to look only at the institutional perspective, as it cannot explain the dynamics of change. The interactional perspective allows further on to see how different actors are influencing themselves in a reciprocal way¹⁰, whereas the intensional perspective gives us the possibility to identify self-referential influence in constructing roles¹¹.

More relevant for this paper are Aggestam’s distinctions of roles. The division of expectation, conception, performance and set of a role¹² will be used to illustrate possible differences between ‘legal’ and ‘living’ constitution of EU-ACP relations. Whereas ‘role expectations’ result from external expectations to an actor, who is supposed to “learn what behaviour is expected of”¹³ it, ‘role conception’ describes the self-given (“normative”¹⁴) claim the actor expresses towards itself. Aggestam further on notes that actors “tend to conceive multiple roles” and

² Aggestam, Lisbeth: *Role Theory and European foreign policy: a framework for analysis*. 2006, p. 11-29.

³ Ibid. p. 12.

⁴ Ibid. p. 11.

⁵ Ibid. p. 12.

⁶ Holsti, Kalevi, in: Ibid. p. 13.

⁷ Ibid. p. 13.

⁸ Ibid. p. 14.

⁹ Ibid. p. 14.

¹⁰ Cp. Ibid. p. 16-17.

¹¹ Cp. Ibid. p. 17.

¹² Cp. Ibid. p. 18.

¹³ Aggestam, p. 18.

¹⁴ Ibid. p. 18.



also try to allow themselves some “room for manoeuvre”¹⁵. Role performance is then the “actual foreign-policy behaviour in terms of [...] decisions and actions undertaken in specific situational contexts”¹⁶ and thus the empirical action seen under presumptions of role model theory. The role-set combines various roles adopted by an actor, it “represents the sum total”¹⁷ of roles of an individual (or an actor). Aggestam mentions Duchêne’s “concept of civilian power Europe”¹⁸ as an example. Concluding she mentions role model theory as a concept to go “beyond mere considerations to maximize its material interests”¹⁹.

In the following the ‘role-sets’ will be EU as a ‘realist’ power²⁰ or actor compared to it being a ‘normative’ power. This paper will not further take into consideration the sources and conflict potentials of roles Aggestam is dealing with.

2.2. CONCURRENT THEORIES

2.2.1 EU AS A REALIST ACTOR²¹

The realist approach as a grand theory in Political Science has had little influence²² in the current analysis of EU international action, compared to other major approaches, like the liberal-idealist, although we will see below it merits to be also used in this field. As Adrian Hyde-Price argues, liberal-idealist approaches are rather concentrated in values and which way they are promoted, instead of analyzing power and power constellation as Realism does. Quoting Hedley Bull, Hyde-Price points out that ‘normative’ or ‘ethical’ power is strongly related to a “strategic environment provided by the military power of states, which they did not control”²³ and can therefore be an incomplete analytical frame.

Following the classical realist division of “high politics” and “low politics”, issues like security, welfare and sovereignty are to be classified as parts of the first group, whereas issues like norms and values are forming the second group. A realist assessment about EU being a ‘normative’ or ‘ethical’ power must therefore rely on the condition that EU is enjoying a certain state of security, which is enabling it to dedicate itself to what is defined as ‘low politics’.

Hence, EU’s abilities to spread values as an international actor are highly depending on a favourable environment in terms of power constellations. This implies on one hand that it is able to provide security for its members as a collective actor and on the other hand the absence of existential threats. Examining these implications would be impossible without taking into consideration the *sui generis*²⁴ nature of the European Union.

¹⁵ Both: *Ibid.* p. 20.

¹⁶ *Ibid.* p. 20.

¹⁷ *Ibid.* p. 21.

¹⁸ Duchêne, in: *Ibid.* p. 21.

¹⁹ *Ibid.* p. 25.

²¹ As it is not a major question of this research to reveal the major differences of classical and neo-realism there will be no further division of those terms.

²² Cp. Hyde-Price, Adrian: *‘Normative’ power Europe: a realist critique*, 2006, p. 218.

²³ Bull, Hedley, 1982, p. 151, in: Hyde-Price, Adrian 2006, p. 218.

²⁴ In this case, the term ‘*sui generis*’ targets the different polity frames (supranational vs. intergovernmental) shaping EU policy in the different columns.



As there is no real ‘European army’ or anything else comparable to this²⁵ and there are even visible threats to security in various member states²⁶, realist argumentation needs to be amended by rationality. Adrian Hyde-Price suggests using it as an intervening factor in the action of a state²⁷.

Thus, within the frame of security and sovereignty, states “also pursue distinctive normative and ideological agendas, usually in response to domestic political factors”²⁸, but do not do that “at the expense of their vital national interests”²⁹ which are namely the so-called ‘high politics’. As long as their security and sovereignty will not be affected negatively, states are likely to act value-orientated. A European country for example should be strongly interested in being seen as a fighter for universal Human Rights, as they correspond widely to fundamental values in European societies. Hyde-Price is calling the EU “a vehicle for the collective pursuit”³⁰ of such and similar interests.

Used as an element of conditionality this vehicle can have structural access in other fields where the EU can be seen as an “instrument”³¹ of its members. That is the case in economic policy, where the EU is supposed to be the agent representing collective interests of the member states, or in international diplomacy where the “EU acts as a collective hegemony, shaping its external milieu by utilizing both hard and soft power”³². The striking gap between realist and norm-based approaches is that in realism norms and values are ‘instruments’ or even ‘instruments of instruments’³³, whereas normative approaches place them in the theory’s core.

2.2.2 EU AS A NORMATIVE ACTOR

Theories of ‘normative’ or ‘ethical’ power gained considerable importance in the context of analyzing European politics. Those approaches are basically rooted in what Duchêne called ‘civilian’³⁴ power. The term ‘normative’ power as such has at least a threefold meaning. According to Ian Manners it can be used for a power that “changes the norms, standards and prescriptions of world politics away from the bounded expectations of state-centricity” as well as a “hybrid polity consisting of supranational and international forms of governance”³⁵. Alongside to this rather structural views, it describes political action being verbatim ‘normative’ or “ethically good”³⁶.

Characterized as a ‘normative’ power, EU is supposed to act relying “on civilian rather than military means and to pursue the spread of particular norms, rather than geographical expansion or military superiority”³⁷. Illustrating the ‘normative’ power approach, Manners mentions the promotion of broadly accepted normative principles³⁸ or the acquisition of what we call ‘universal’ moral, normative and ethical rules, as well as their

²⁵ Certainly the so-called ‘EU-Battlegroups’ cannot be characterized as an army.

²⁶ External threats would be i.e. terrorist attacks in Madrid or London, but also ‘neighbourhood issues’ like war in former Yugoslavia. Internal threats would be i.e. the civil riots in Athens at the end of 2008.

²⁷ cp. Hyde-Price, Adrian: *A ‘tragic actor’? A realist perspective on ‘ethical Europe’*, 2008, p.31.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid. p 32.

³¹ Ibid. p 31.

³² Hyde-Price, Adrian, in: Sjursen, Helen: *What kind of power?* 2006, p. 178.

³³ Illustrating the relation norms and values can have towards EU milieu-shaping, yet defined as ‘instrument’ by Hyde-Price.

³⁴ Diez, Thomas: *Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe’*, 2005 p. 614.

³⁵ Both: Manners, Ian: *The normative ethics of the European Union*, 2008, pp. 45.

³⁶ Ibid.

³⁷ Diez, p. 613.

³⁸ Cp. Manners, p. 46.



integration in an ideational-political portfolio³⁹. That might be measured taking the nine normative principles of EU politics as a basis and compare them with the empirical objectives, actions and impacts⁴⁰.

Due to its lack of terminological clarity ‘normative’ power theory appears to be vulnerable to critiques. A first objection concerns the question, if ‘normative’ is rooted in ‘norms’ or in ‘normality’, or even in both⁴¹. Another question concerns ‘normative power’ being a power “to shape conceptions of the ‘normal’” or more likely “the power to shape the values of others”⁴². This lack of conceptual clarity is complemented by more critical points.

Diez mentions “the discrepancy between rhetoric and concrete policies”⁴³, which might be an obvious suspicion, referring to such overall and rather brisk wordings, as “eradicating poverty” or “respect for and promotion of all human rights”⁴⁴ in Cotonou treaty.

Another significant critique to the ability of a state or a group of states being a ‘normative’ power towards others is up to a cultural perception. Hence, it appears to be difficult maintaining the assumption, general values and norms should be spread all over the world. Yet the idea of universal values is dangerous. Without any doubt, issues like peace, rule of law or freedom are not to be discussed, but as soon as polity-oriented or economic thoughts enter that area it becomes complicated to classify them as a common value, and even ‘Human Rights’ are not culturally independent, looking at the fact that there is a ECHR. Or, in Helen Sjursens words, we “(...) cannot really tell whether or not the EU’s ‘normative’ power is simply an expression of Eurocentric cultural imperialism”⁴⁵.

3. EMPIRICAL RESEARCH

3.1 THE NATURE OF EU-ACP RELATIONS

Examining the relationship ACP states and the EU established in the framework of the four Lomé conventions and Cotonou agreement/EPAs requires clarifying different terms used to describe this kind of relationship. Official EU statements are pointing out this relationship is a “partnership”⁴⁶ and a “cooperation”⁴⁷. These terms imply reciprocity, both in ensuring this reciprocity as well as in the share of resources.

Referring to Cotonou one might argue that already the abolishment of unilateral trade preferences is a step to meet such terminological aims, but such presumptions might lead to analytical shortcomings. According to Hurt and Clapman, “the first Lome Convention was a unique agreement in that it was negotiated during international circumstances that allowed the ACP states to negotiate from ‘something approaching a position of equality’”⁴⁸. Hurt mentions the installation of STABEX, which ensured EDF financing for ACP countries when agricultural incomes were fluctuating due to market prices.

³⁹ Ibid, p. 56.

⁴⁰ Cp. Ibid, pp. 48-59.

⁴¹ Cp. Diez, p. 615f.

⁴² Both: Ibid.

⁴³ Ibid, p. 613.

⁴⁴ Both: Cotonou full agreement text. Available at: http://ec.europa.eu/development/icenter/repository/agr01_en.pdf, 1st January 2009.

⁴⁵ Sjursen, pp. 175.

⁴⁶ An interpretation of this term is delivered in: Raffer, Kunibert: *Cotonou: Slowly undoing Lomé’s concept of partnership*.

⁴⁷ Cotonou full agreement text, inter al. p. 7, 9, 11 and many others.

⁴⁸ Hurt, p. 161-162.



Due to the worldwide spread of neoliberal ideas in economy issues such ideas were mainly rejected in following Lomé Conventions⁴⁹. At the same time, EU policy as a whole became concentrated on ideas like “liberalization of markets, removal of subsidies and foreign direct investment”⁵⁰, while protectionist policies were sharpened in the area of agricultural economy.

The Maastricht Treaty and following establishment of European single market can be seen as a mirror for the neoliberal trend. That being a break in the history of European integration led to a paradigmatic shift reflected in external relations some time later. Connected to the hypothesis of EU being a ‘normative power’, one could argue the establishment free trade areas became a ‘European value’ at the latest when EU emerged as one huge free trade area.

Pursuing this path, it is rather logic, that this ‘norm’ must be spread further in the world. Explaining the same evolution, Hurt is referring to a neo-Gramscian concept, where “hegemony is represented as a fit between power, ideas and institutions”⁵¹, but states that such hegemony is “based mostly on consent and not coercion”⁵². In the case of European single market that might be right, but going back to EU-ACP relations one can observe that

“(t)he language of the Cotonou Agreement cleverly blends ideas of consent and coercion (central to a neo-Gramscian perspective). Consent is achieved through notions of ‘dialogue’, ‘partnership’ and of ACP states ‘owning’ their own development strategies. Coercion is present in the EU’s presentation of Economic Partnership Agreements (EPAs) as the only viable alternative and also thought the implementation of frequent reviews of aid provision that have conditionality attached. Hence we see consent in the first instance with the coercion coming later.”⁵³

Another example of ideas gaining hegemonic power is the adaption of IMF and World Bank ‘ideology’, as in Lomé IV the EDF was partly linked to SAPs, which have had almost ‘normative’ character in 1980s and early 1990s.

In the framework of Cotonou agreement other significant changes took place. Articles 2 and 21⁵⁴ stress the position of the private sector whereas article 11 represents EU and ACP countries accepting market economy⁵⁵. Besides from various theses, there is no real argumentation in the agreement text, why the economic system of the Western hemisphere should be the right choice for a prosperous future in ACP countries. Rather we have to ask whether the “increasing incorporation of democratically unaccountable non-state actors, especially the private sector, into the process may actually serve to weaken the process of democratization”⁵⁶.

As access to basic services is already limited, the possible take-over of i.e. water works and power stations by private sector could worsen the provision of public goods even more. As “ACP countries do not have a competitive private sector”⁵⁷, this would open new markets, i.e. for European energy enterprises, feeding the argument that the EU is pursuing its own economic interests in a realist manner, and that being another expression of spreading a value,

⁴⁹ Cp. Ibid, p. 162.

⁵⁰ Ibid, p. 163.

⁵¹ Cox, Robert, in: Hurt, p. 163.

⁵² Ibid, p. 163.

⁵³ Ibid, p. 163

⁵⁴ among many others: http://ec.europa.eu/development/icenter/repository/agr01_en.pdf, p. 9, 33, 34.

⁵⁵ Ibid, p. 18.

⁵⁶ Hurt, p. 172

⁵⁷ Raffer, p. 7.



which has been induced for a considerable period of time in the EU area.

Also the notion of non-state actors⁵⁸, particularly in article 4, could be classified as an application of neoliberal thoughts, albeit not necessarily in a pure economic way⁵⁹. In the context of democratization and development aid, there are specific programmes Commission delegations are running explicitly and exclusively with local NGOs. In the framework of these programmes, financial aid is given to local organizations applying for it and able to present a coherent, solid and relevant agenda⁶⁰.

3.2 IMPLICATIONS FOR ACP COUNTRIES WITH FOCUS ON AFRICA

The history of EU-ACP countries shows several points where EU claims to provide sustainable development and economic prosperity have not been met. An example is the actual ACP share in EU market (declining from 4.1 % in 1970 to 1.0 % in 2003⁶¹). This happened although former Lomé conventions envisaged unilateral trade preferences for the ACP group. Borrmann et al. state that poor ACP export performances do not mainly rely on general trade liberalization. They argue “the real reasons behind the dismal performance” are missing “productive and technological capacities, marketing skills, transportation channels, and appropriate technical and sanitary regulations that are required to exploit the opportunities on EU and world markets.”⁶² Contrary to various affirmations the EU made in ACP partnership, its assistance to generate improved and competitive environments in ACP countries has not been successful.⁶³

The new initiative consisting of the introduction of EPAs is considered to renew EU-ACP ‘partnership’. Pushed by WTO compliance the creation of EPAs shall promote “mutual liberalization”⁶⁴, which is verbatim the reciprocal reduction of tariff barriers. Within this process⁶⁵ EU seeks to elaborate regional EPAs with six regions. Indeed those regions do not cover all ACP countries⁶⁶ and they do not even “coincide with existing regional integration schemes”⁶⁷, which is not the best base to start negotiations. Given the fact, that some regions, like SADC for example consist of non-LDCs as well as LDCs⁶⁸ negotiations would have to take into consideration these differences as well⁶⁹.⁷⁰ ⁷¹

The possible introduction of EPAs implies some more risks, especially for the ACP group. They would for example include a significant loss of tariff revenues for participating governments⁷². These losses might be absorbed

⁵⁸ Hurt, p. 11,12.

⁵⁹ as this includes also NGOs, civil movements or think tanks.

⁶⁰ own experience during an internship with the Delegation of the Commission in Kinshasa, DRC, albeit it is a case of bounded aid, enforcing realist assumptions.

⁶¹ Cp. Ibid, p. 169.

⁶² Ibid, p. 170.

⁶³ Ibid, p. 170.

⁶⁴ Ibid, p. 170.

⁶⁵ A process, that is covered by a WTO waiver, which is a slight commitment to ACP countries.

⁶⁶ Especially in Sub-Saharan Africa.

⁶⁷ Borrmann, p. 171.

⁶⁸ The case of South Africa is again different. See in Borrmann, p. 172.

⁶⁹ Ibid, p. 172.

⁷⁰ For further information see also: McQueen, Matthew: *ACP-EU Trade Cooperation after 2000: An Assessment of Reciprocal Trade Preferences*, 1998, p. 677-678.

⁷¹ See also Table 5.1.

⁷² Borrmann, p. 171.



by higher export rates, but there is no certainty for ACP governments, whether the mentioned lack of capacities will allow this. Moreover, Borrmann et al. mention “considerable structural adjustment costs”⁷³ for ACP countries adopting an EPA and according to McQueen these countries might not be interested in that due to their “structural weaknesses”⁷⁴. In his article about Cotonou treaty Raffer shows why it cannot be taken for granted that EU aid will help significantly in eliminating these weaknesses, as significant amounts of EDFs are distributed rather slowly and are finally raid for other using⁷⁵. Grimm and Brüntrup state further on, that free trade generally seen, “is not, however, enough to ensure economic growth, and it may not even be necessary”⁷⁶, mentioning the development of Asian countries as an example.

Other forms of cooperation provided by the Cotonou framework are EU’s GSP and EBA. Due to space, the mentioned cannot be explained in detail⁷⁷.

3.3 WTO COMPLIANCE AS A ‘REALIST’ ELEMENT

The former non-reciprocal trade preferences for ACP countries provided by EC and EU in Lomé conventions have been recognized as incompatible to WTO regulations and GATT rules. An outstanding argument for that has been the fact, that non-LDCs within the ACP group are profiting from unilateral trade preferences whereas LDCs outside of ACP group do not, what actually is not conform with GATT enabling clause from 1979.⁷⁸

The non-reciprocal nature of Lomé conventions further broke article XXIV⁷⁹ of GATT establishing reciprocity as precondition for trade agreements. Those irregularities in GATT compliance led to a situation where EU was given a six-year ‘waiver’. Looking at the current difficulties establishing EPAs it seems probable, that several more WTO waivers will be necessary, before EU-ACP relations will be conform.

These implementation problems EU and ACP group are facing raises the question, why EU suddenly had such an interest in fulfilling WTO requirements, as it can be assumed, that ACP states have not been the driving force for this development. Following Raffer, “the WTO proves a helpful means to abolish remaining Lomé instruments”⁸⁰ Given the fact, that EU commits that it has “to defend their economic and geopolitical interests”⁸¹ in a paper concerning its relations to ACP states there is some evidence for its acting being an expression of realist politics⁸².

A similar argument is given by Goodison and Stoneman, stressing the thesis, that EU’s “underlying motivations” are among others “securing a WTO agreement” providing “market expansion” and a “commercial advantage for EU producers over the international competitors”⁸³. Such reasons must not be underestimated, as Emily Jones notes, that “the only constraint on a fair agreement between the EU and ACP countries – apart from

⁷³ Ibid, p. 172.

⁷⁴ McQueen, p. 673.

⁷⁵ Cp. Raffer, p. 4-6.

⁷⁶ Grimm, Sven and Brüntrup, Michael: *EU Economic Partnership Agreements (EPAs) with ACP regions*, 2006, p. 88.

⁷⁷ For information’s see Hurt, Borrmann or McQueen.

⁷⁸ Ibid, p. 50.

⁷⁹ Cp. Borrmann, p. 169 and McQueen, p. 669.

⁸⁰ Raffer, p. 3.

⁸¹ EUROPEAN COMMISSION GREEN PAPER 1996. Available at:

http://europa.eu/documents/comm/green_papers/com96_570/index_en.htm, 4th January 2009.

⁸² That, albeit it is not about classical power politics, but a clever instrumentalization of external norms, which are used in order to pursue strategic interests.

⁸³ Goodison, Paul and Stoneman, Colin: *Europe: Partner or Exploiter of Africa? The G-90 & the ACP*, 2004, pp. 732.



political will – is that any deal needs to be in compliance with World Trade Organization rules”⁸⁴ with addition that this means an agreement which “includes the very basics needed for WTO compatibility”⁸⁵.

Asking for the ‘normative’ side of WTO compliance it should not be forgotten that “(t)he introduction of reciprocal liberalization under the FTA and Economic Co-operation proposals could expose some of the world’s most food insecure countries to the dumping of heavily subsidized EU exports”⁸⁶. Even though this does not mean that EU is not acting in a normative way⁸⁷, there is to say that promoting food security is – ethically seen – a fundamental political aim. Hence this could only be a ‘normative’ behaviour, if it is defined as a pursuit of a norm given by WTO⁸⁸ or if the term ‘normative’ is used in a self-referential way⁸⁹.

3.4 POLITICAL CONDITIONALITY AS A ‘NORMATIVE’ ELEMENT

Cotonou agreement is accompanied by some paradigmatic shifts in EU-ACP relations. Alongside to WTO compliance, a major point is the political conditionality.

Combining economic agreements with genuine political topics is not a completely new feature of Cotonou agreement. The great change concerning Cotonou is that, “politics is now at the centre”⁹⁰, at least regarding the ‘legal constitution’. In the framework of ‘aid’ emerging as a constantly more important issue one can clearly see the outcomes of linking ‘cooperation’ to non-economic topics. Basically the EU tries to enforce the democratization by providing aid to specific initiatives and campaigns in this field, but also by sanctioning violations⁹¹. Whereas the first part of this strategy appears to be a promising approach, Raffer criticizes that “all demands subsumed under political conditionality are fairly opaque, and the EU is largely free to decide what it considers a breach of obligations with regard to essential elements”⁹². This will obviously be the case, as Cotonou agreement text does not precisely define, when and how the principles of democracy and good governance are ignored and Article 96 (2b)⁹³ allows the use of an immediate sanction with reference to Article 9 assessing that

*(t)he Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter-related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.*⁹⁴

⁸⁴ JONES, Emily: *Partnership or power play? OXFAM briefing paper April 2008*, 2008, p. 34.

⁸⁵ *Ibid*, p. 34.

⁸⁶ Watts, p. 48.

⁸⁷ Taking into consideration terminological difficulties, concerning the ‘normative’ term.

⁸⁸ Whereas it is to say, that EU countries as the most powerful WTO member group did not have a small influence in negotiating this.

⁸⁹ Not corresponding with Manners definition this does not seem to be a meaningful argument.

⁹⁰ Borrmann, p. 162.

⁹¹ Hurt, p. 171.

⁹² Raffer, p. 16.

⁹³ Cotonou full agreement text, p. 119.

⁹⁴ *Ibid*, p. 15.



Apart a gender-related statement at the end, any kind of definite expression of the nature of ‘human rights’ or ‘fundamental freedoms’ is missing. ACP countries thus face a scenario where the EU might measure the fulfillment of these principles with bias-suspicious indicators like “the holding of elections”⁹⁵ and by this enabling superficially democratic regime to rule in an environment characterized as “‘low-intensity’ democracy”⁹⁶. Looking at the Failed States Index 2008⁹⁷ this applies to a large number of ACP countries in a striking way, especially in Sub-Saharan Africa, as the performances remain extremely weak regarding categories like ‘human rights’ or others⁹⁸. William Easterly states that in 2002 the 25 most undemocratic nations received aid payments of 9 billion US\$⁹⁹, that includes several ACP heads of government supported by EU. Is that EU’s ‘normative’ power?

4. CONCLUSION

Coming back to the major question if EU policy towards ACP countries with focus on the situation of Sub-Saharan Africa is rather a ‘realist’ or a ‘normative’ one, Ian Manners delivers the following statement: „From a cynical viewpoint it might be suggested that such treaty articles and the policies they drive are at best unimportant, or at worst provide cover for more covert commercial interests.“¹⁰⁰

Considering the vague wording of Cotonou treaty, this viewpoint might not be cynical after all, especially, if we have a closer look on the nine normative principles¹⁰¹. One could already wonder if there is i.e. complete ‘social freedom’ within EU member states, but the external promotion of the mentioned principles lacks visibly sustainable implementation and the question of origin and validity of those principles remains open.

Depending on how we define normative, as described in the theoretical part above, the EU as a ‘power’ is acting in a ‘normative’ way with regard to values accepted in the domestic area, but as Helen Sjørnsen stresses, “‘Power’ alludes to ‘coercion’; ‘normative’ alludes to ‘legitimacy’. How do we know that the EU’s use of – normative – power is legitimate, as is implied in this concept?”¹⁰² If we add the economic impact Cotonou treaty and EPAs could have, we should even more question the self-concept of EU, as ‘sustainable development’¹⁰³ implies access to basic goods, which is certainly not assured by the establishment of FTAs nor by the promotion of private sector.

On that base, “(t)he entire history of the official discourse of EU-ACP development co-operation can be dismissed as, to a large degree, false rhetoric that is subsumed by the realities and power relations of the

⁹⁵ Cp. Hurt, p. 171.

⁹⁶ Ibid, p. 171.

⁹⁷ Foreign policy: *The Failed States Index 2008*. Available at:

http://www.foreignpolicy.com/story/cms.php?story_id=4350&page=1, 12th of January 2009.

⁹⁸ Low performance in ‘human flight’, ‘group grievance’ or ‘refugees and displaced persons’ could be good indicators of a general absence of ‘good governance’, too.

⁹⁹ Easterly, William: *The White Man’s Burden. Why the West’s efforts to Aid the Rest have done so much ill and so little good*, 2006, p. 124.

¹⁰⁰ Manners 2008, p. 48.

¹⁰¹ Ibid, p. 48-55.

¹⁰² Sjørnsen, p. 172.

¹⁰³ Manners 2008, p. 48.



international political economy”¹⁰⁴ as well as “the concept of partner(ship) pursuant to Cotonou (...) (m)entioned 52 times in only 100 Articles - and nine times in the Annexes – [...] is definitely a crucial concept. In spite of this lip service this relation has become so unequal that “partnership” can only be understood in an Orwellian sense”¹⁰⁵. On the other side, the argument of Europe seeking for economic and strategic advantages through ‘cooperation’ with ACP countries becomes clear, as FTAs with that great number of states would provide a considerable comparative advantage to EU in international economy and the conditions Cotonou has been elaborated under correspond to realist assumptions¹⁰⁶. A point not directly explained by realist role comprehension is why the EU continues emphasizing strongly the spread of democracy and human rights. Indeed, the empirical situation that either the EU is not interested in really pushing those issues forward as long as its strategic interests are served or it simply uses them as a so-called ‘smoke screen’ to achieve these interests.

Finally it is to say, that the Africa policy EU pursues in the framework of Cotonou cannot be characterized ‘ethically’ bad as such, but empirical implications display the EU behaving like a realist actor seeking to enlarge its power in order to widen its benefits and – only if this target is not endangered – as a normative actor promoting norms and values¹⁰⁷.

5. ABBREVIATIONS

EU	EUROPEAN UNION
ACP	AFRICAN, CARIBBEAN AND PACIFIC COUNTRIES
EPA	ECONOMIC PARTNERSHIP AGREEMENT
EDF	EUROPEAN DEVELOPMENT FUND
WTO	WORLD TRADE ORGANIZATION
GSP	GENERAL SYSTEM OF PREFERENCES
EBA	EVERYTHING BUT ARMS INITIATIVE
ECHR	EUROPEAN CHARTER OF HUMAN RIGHTS
STABEX	STABILIZATION OF EXPORT REVENUES
SAP	STRUCTURAL ADJUSTMENT PROGRAMME
IMF	INTERNATIONAL MONETARY FUND
NGO	NON-GOVERNMENTAL ORGANIZATION
DRC	DEMOCRATIC REPUBLIC OF CONGO
LDC	LEAST DEVELOPED COUNTRY
SADC	SOUTH AFRICAN DEVELOPMENT COMMUNITY
GATT	GENERAL AGREEMENT ON TARIFFS AND TRADE
FTA	FREE TRADE AGREEMENT

¹⁰⁴ Hurt, p. 174.

¹⁰⁵ Raffer, p. 3.

¹⁰⁶ As “the need to meet Europeans’ concerns by making long-term political choices“ was already expressed 1996 in: European Commission Green Paper 1996, p. 58.

¹⁰⁷ With the restriction, that these norms and values have to be defined as universal ones and a EU not being able or willing to implement them completely in Sub-Saharan ACP countries.



6. TABLES

6.1 CLASSIFICATION OF ACP STATES FOR COTONOU AGREEMENT¹⁰⁸

CO-OPERATION AND COERCION IN THE COTONOU AGREEMENT

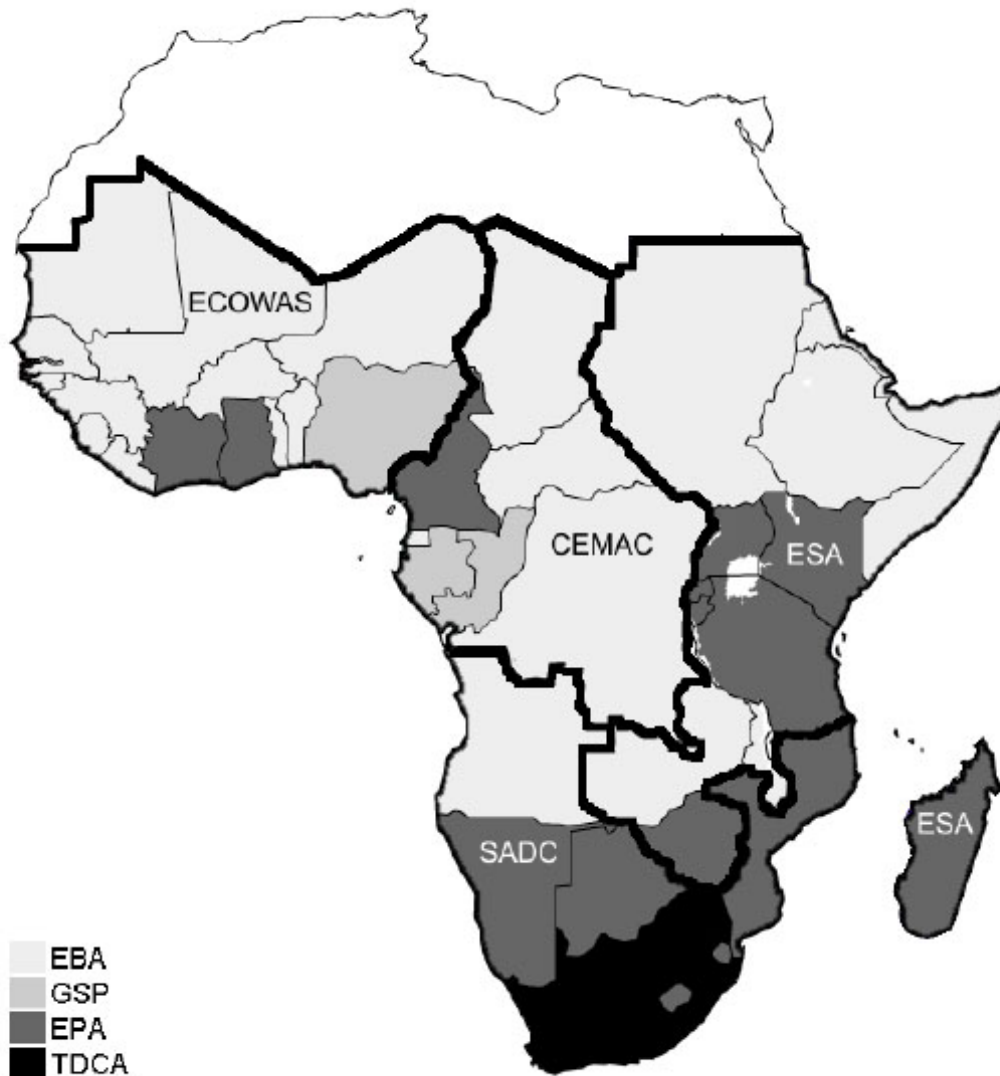
TABLE 1
Classification of ACP states for the trade pillar of the Cotonou Agreement

<i>Less-developed countries (LDCs)</i>			<i>Non-LDCs</i>		
<i>ACP state</i>	<i>HDI (1997)</i>	<i>HDI ranking</i>	<i>ACP state</i>	<i>HDI (1997)</i>	<i>HDI ranking</i>
Angola	0.398	160	Antigua	–	–
Benin	0.421	155	Bahamas	0.851	31
Burkina Faso	0.304	171	Barbados	0.857	29
Burundi	0.324	170	Belize	0.732	83
Cape Verde	0.677	106	Botswana	0.609	122
Cent. Af. Rep.	0.378	165	Cameroon	0.536	134
Chad	0.393	162	Congo	0.533	135
Comoros	0.506	139	Cook Islands	–	–
DR of Congo	0.479	141	Côte d'Ivoire	0.422	154
Djibouti	0.412	157	Dominica	0.776	53
Eq. Guinea	0.549	131	Dominican Rep.	0.726	88
Ethiopia	0.298	172	Fiji	0.763	61
Eritrea	0.346	167	FS of Micronesia	–	–
Gambia	0.391	163	Gabon	0.607	124
Guinea	0.398	161	Ghana	0.544	133
Guinea Bissau	0.343	168	Grenada	0.777	52
Haiti	0.430	152	Guyana	0.701	99
Kiribati	–	–	Jamaica	0.734	82
Lesotho	0.582	127	Kenya	0.519	136
Liberia	–	–	Mauritius	0.764	59
Madagascar	0.453	147	Marshall Islands	–	–
Malawi	0.399	159	Namibia	0.638	115
Mali	0.375	166	Nauru	–	–
Mauritania	0.447	149	Nigeria	0.456	146
Mozambique	0.341	169	Niue	–	–
Niger	0.298	173	Palau	–	–
Rwanda	0.379	164	Papua New Guinea	0.570	129
Sao Tomé & Príncipe	0.609	123	Seychelles	0.755	66
Samoa	0.747	70	St. Kitts & Nevis	0.781	51
Senegal	0.426	153	St. Lucia	0.737	81
Sierra Leone	0.254	174	St. Vincent/Grenadines	0.744	75
Solomon Islands	0.623	118	Surinam	0.757	64
Somalia	–	–	Swaziland	0.644	113
Sudan	0.475	142	Tonga	–	–
Tanzania	0.421	156	Trinidad & Tobago	0.797	46
Togo	0.469	143	Zimbabwe	0.560	130
Tuvalu	–	–			
Uganda	0.404	158			
Vanuatu	0.627	116			
Zambia	0.431	151			

Source: United Nations Development Programme, *Human Development Report 1999*, Oxford: Oxford University Press, 1999.

¹⁰⁸ Hurt, Stephen R.: *Co-operation and coercion? The Cotonou Agreement between the European Union and ACP states and the end of the Lomé Convention*, 2003, pp 167.

6.2 REGIONAL DISINTEGRATION IN AFRICA: 'INITIALLED' TRADE REGIMES¹⁰⁹



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¹⁰⁹ Jones, Emily: *Partnership or power play? OXFAM briefing paper April 2008*. Available at: http://www.fes.de/cotonou/OTHER_BACKGROUND_TRADE/PARTNERSHIP_OR_POWERPLAY_OXFAM_22APRI_L2008.PDF, 28th December 2008, p.18.



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